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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,239	08/27/2003	Won-Uk Yu	P69094US0	3745
43569 7590 06/22/2007 MAYER, BROWN, ROWE & MAW LLP 1909 K STREET, N.W. WASHINGTON, DC 20006			EXAMINER BECKER, SHASHI KAMALA	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/648,239	<b>Applicant(s)</b> YU, WON-UK	
	<b>Examiner</b> Shashi K. Becker	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed on 4/4/07. This action is made **final**.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Modeste et al, (hereinafter Modeste), US 2003/0056012, in view of Cohen US Patent 7127679.

- In regards to claims 1, 7, 10, 14, 18, 19, 20 and 23, Modeste teaches a method and system for controlling a home network (abstract). However, Modeste does not specifically teach ascertaining whether or not a new control menu exists by using the Internet; if the new control menu exists, downloading the new control menu and adding the downloaded new control menu to an old control menu list; and downloading corresponding control programs using the added new control menu, and providing the downloaded new control menus to the corresponding equipments.

Cohen teaches a method for generating and navigating a plurality of menus using a database and a menu template. Cohen further teaches ascertaining

whether or not a new control menu exists by using the Internet (column 14 lines 8-12); if the new control menu exists, downloading the new control menu and adding the downloaded new control menu to an old control menu list; and downloading corresponding control programs using the added new control menu (Abstract and claim 1), and providing the downloaded new control menus to the corresponding equipments (column 8 lines 25-39). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Modeste to include adding new control menus to an old menu list in order further control the home network. One would have been motivated to make such a combination in order to upgrade the control menus and programs of the network.

- In regards to claims 2 and 8, Modeste teaches the above limitations (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*). However, Modeste fails to specifically teach, wherein if the new control menu is not contained in the old control menu list, the new control menu is considered as a new menu.

Cohen teaches a method for generating and navigating a plurality of menus using a database and a menu template. Cohen further teaches wherein if the new control menu is not contained in the old control menu list, the new control menu is considered as a new menu (Abstract and claim 1). It would have been obvious for the same reasons stated above (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*).

- In regards to claims 3 and 9, Modeste teaches the above limitations (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*). However, Modeste fails to specifically teach, wherein if the new control menu is an upgraded version, the new control menu is considered as a new menu even when the new control menu is contained in the old control menu list.

Cohen teaches a method for generating and navigating a plurality of menus using a database and a menu template. Cohen further teaches wherein if the new control menu is an upgraded version, the new control menu is considered as a new menu even when the new control menu is contained in the old control menu list (Abstract and claim 1). It would have been obvious for the same reasons stated above (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*).

- In regards to claim 4, Modeste teaches the above limitations (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*). However, Modeste fails to specifically teach, wherein the control program is downloaded when a user selects the added new control menu.

Cohen teaches a method for generating and navigating a plurality of menus using a database and a menu template. Cohen further teaches wherein the control program is downloaded (column 14 lines 8-12) when a user selects the added new control menu (Abstract and claim 1). It would have been obvious for the same reasons stated above (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*).

- In regards to claim 5, Modeste teaches the above limitations (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*). However, Modeste fails to specifically teach, wherein the control program is downloaded when a user selects an auto mode. Cohen teaches a method for generating and navigating a plurality of menus using a database and a menu template. Cohen further teaches wherein the control program is downloaded when a user selects an auto mode (column 11 lines 13-23). It would have been obvious for the same reasons stated above (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*).
- In regards to claim 6, Modeste teaches the above limitations (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*). However, Modeste fails to specifically teach wherein the downloaded control program is stored. Cohen teaches a method for generating and navigating a plurality of menus using a database and a menu template. Cohen further teaches wherein the downloaded control program is stored (column 9 lines 25-38). It would have been obvious for the same reasons stated above (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*).
- In regards to claims 11, 15, 21, and 24, Modeste teaches the above limitations (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*). However, Modeste fails to specifically teach wherein the respective equipments carry out the steps a) to d) in claim 10. Cohen teaches a method for generating and navigating a plurality of menus using a database and a menu template. Cohen further teaches wherein the

respective equipments carry out the steps a) to d) in claim 10 (Abstract and claim 1). It would have been obvious for the same reasons stated above (see claims 1, 7,10, 14, 18, 19, and 23 *supra*).

- In regards to claims 12, 16, 22, and 25, Modeste teaches the above limitations (see claims 1, 7,10, 14, 18, 19, and 23 *supra*). However, Modeste fails to specifically teach, wherein the old control menu lists are shared between the respective equipments.

Cohen teaches a method for generating and navigating a plurality of menus using a database and a menu template. Cohen further teaches wherein the old control menu lists are shared between the respective equipments (Abstract and claim 1, wherein the control menu can be customized to be the same for each program or the same). It would have been obvious for the same reasons stated above (see claims 1, 7,10, 14, 18, 19, and 23 *supra*).

- In regards to claims 13 and 17, Modeste teaches the above limitations (see claims 1, 7,10, 14, 18, 19, and 23 *supra*). However, Modeste fails to specifically teach, wherein the control programs that are not provided to the respective equipments are stored into the equipments that carry out the steps a) to d) in claim 10.

Cohen teaches a method for generating and navigating a plurality of menus using a database and a menu template. Cohen further teaches wherein the control programs that are not provided to the respective equipments are stored into the equipments that carry out the steps a) to d) in claim 10 (column 9 lines

25-38). It would have been obvious for the same reasons stated above (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*).

- In regards to claim 20, Modeste teaches the above limitations (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*).
- In regards to claim 26, Modeste teaches the above limitations (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*). Modeste further teaches a home network apparatus including the Internet network and a home network, the home network being provided with information via the Internet network, wherein the home network includes: a power line for supplying communication signals, control signals and power source; and a plurality of equipments connected to the power line and having the Internet function and an on-screen function, the equipments downloading control menus and corresponding control programs from the Internet network by using the Internet function, control menu lists with the control menus being displayed on screen by using the on-screen function, whereby the plurality of equipments download only their own corresponding control programs through the Internet network (page 1 paragraphs [0003]-[0007]).
- In regards to claim 27, Modeste teaches the above limitations (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*). However, Modeste does not specifically teach a menu manager for storing the control menu lists, registering the downloaded control menu as a new control menu item into the control menu list, and providing the control menu lists to the respective equipments by request.



Cohen teaches a method for generating and navigating a plurality of menus using a database and a menu template. Cohen further teaches a menu manager for storing the control menu lists, registering the downloaded control menu as a new control menu item into the control menu list, and providing the control menu lists to the respective equipments by request (column 13 lines 62-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Modeste to include a menu manager in order to manage the menus created. One would have been motivated to make such a combination in order for the user to be more organized and manage the different control menus created and updated.

- In regards to claim 28, Modeste teaches the above limitations (see claims 1, 7, 10, 14, 18, 19, and 23 *supra*). However, Modeste does not specifically teach 28. The home network apparatus claimed in claim 27, wherein the menu manager manages the control menu lists for the equipments through a sharing of the menu lists.

Cohen teaches a method for generating and navigating a plurality of menus using a database and a menu template. Cohen further teaches wherein the menu manager manages the control menu lists for the equipments through a sharing of the menu lists (column 13 lines 62-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and apparatus of Modeste to include a sharing menu lists in order to manage the menus created. One would have been motivated to make such a combination in

order for the user to be more organized and manage the different control menus created and updated.

### ***Response to Arguments***

Applicant's arguments filed 4/4/07 have been fully considered but they are not persuasive.

#### ***Applicant argues:***

*Cohen does not teach or suggest downloading corresponding control programs using the added new control menu. In Cohen, the entire database is being imported at once, and menu item 35c is not "the added new control menu" of claim 1 of the Application, but rather an existing menu item from the "Menu Manager function." (Cohen, column 13, lines 66-67). "The added new control menu" of claim 1 of the Application refers to the previous limitation of claim 1 of "ascertaining whether or not a new control menu exists by using the Internet... downloading the new control menu." Therefore, in claim 1 of Application, the newly downloaded menu item is being used to download the control program. Cohen uses an existing menu item. (Cohen, column 13, lines 66-67).*

#### ***Examiner disagrees:***

Applicant does not explicitly define two separate downloading steps, nor does the examiner explicitly define how the downloading is used in the claims. The association of downloading new control programs can be downloaded at the same time as the new

control menu is downloaded. Applicant even states this in the specification (page 24 paragraph [0089]). Therefore, Cohen does meet the limitations of claims 1-27.

***Applicant argues:***

*Applicant contends that the combination of Modeste with Cohen would require a change in the principle of operation of the menus in Modeste. "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious." (In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) and MPEP 2143.01VI). For the above reasons, Applicant respectfully contends that one skilled in the art would not have been motivated to combine Modeste and Cohen.*

***Examiner disagrees:***

Modeste is relied upon to teach a method and system for controlling a home network and is not relied upon to teach a updating control menus via the internet. Cohen is relied upon to teach ascertaining whether or not a new control menu exists by using the Internet; if the new control menu exists, downloading the new control menu and adding the downloaded new control menu to an old control menu list; and downloading corresponding control programs using the added new control menu. In response to applicant's argument that Cohen is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re*

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*Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Cohen solves the problem of downloading control programs and new control menus for a home network.

***Applicant argues:***

*Cohen does not teach a "plurality of equipments."*

**Examiner disagrees:**

Cohen is not relied upon to teach a "plurality of equipments," but rather a menu manager for storing the control menu lists, registering the downloaded control menu as a new control menu item into the control menu list, and providing the control menu lists. Modeste is relied upon to teach a "plurality of equipments" in a home network.

Therefore, Cohen and Modeste meet the limitations of claim 27.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

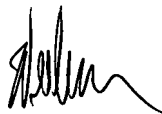
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shashi K. Becker whose telephone number is 571-272-8919. The examiner can normally be reached on Mon-Fri 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SKB



**WEILUN LO**  
**SUPERVISORY PATENT EXAMINER**